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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,995	07/02/2007	Fred Van Essen	031707/315410	8930
826 7590 08/06/2009 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER YUSUF, MOHAMMAD I	
			ART UNIT	PAPER NUMBER
			3725	
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			08/06/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,995

Applicant(s)

VAN ESSEN, FRED

Examiner

MOHAMMAD I. YUSUF

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04/20/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on 04/20/2009. These replacement drawings have been accepted by the examiner.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Van Allen et al. (US 4,014,202; hereinafter "Van Allen") in view of Ching et al. (US 6,510,722; hereinafter "Ching") and Schrock (US 4,306,442).

In regard to **claims 1-7**,

Van Allen discloses [FIG. 4] a head assembly for a swage press including a housing with peripheral side wall [1] with press zone [24], a front wall [22], an open rear face partially closed by rear wall [36] by fastening means [33], plurality of radial shoe elements [FIG. 9, 30] fit in die holder [27] and are restrained by front wall [22], an operating piston [7] cooperable simultaneously with each of the shoe elements and move toward the front wall to press the shoe elements radially inward towards press

zone, the side wall [1] cooperate with the piston to define a chamber for receiving high pressure hydraulic fluids to move the piston towards front wall. The piston [7] has a truncated conical surface [35] to move the shoe elements radially [column 3, lines 8-13]. A chamber is formed the surface of operating piston [7] means and the surface of the rear wall [35] as fluid enters through a fitting [20]. The piston [7] has an extended section that has an outward face creating a tangential passage [15] with the inward face of the side wall and they are fastened by wires [14 and 15] to receive fluid via fitting [20].

Van Allen does not disclose that the front wall is integrally formed with the side wall as is in claims 1 and 2. He only discloses that front wall and side wall are two pieces. However, Ching discloses radial crimping tool, where the front wall is integrally formed with the side wall [14] to form one piece.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Van Allen's head assembly to integrally form the side wall and front wall as suggested by Ching since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Van Allen also does not disclose that the rear wall cooperates with the piston to define a chamber as is in claim 2; rather he only discloses that the fluid chamber is defined by the piston and side wall. However, Schrock discloses a chamber [10] which is defined by the rear wall and the piston and the side wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Van Allen by including the rear wall into fluid chamber boundary because this would provide

the piston with an effective longitudinal force component in addition to the radial force with the same amount of fluid flow and effectively a more controlled and stronger crimping force.

Van Allen also does not disclose two passages as is in claim 6. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Van Allan to provide a second passage based on the machining requirements in order to provide a backup seal for the fluid chamber, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD I. YUSUF whose telephone number is (571) 270-7487. The examiner can normally be reached on Monday-Friday 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725

/M. Y./
Examiner, Art Unit 3725

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